

Chairperson Scott Hickle  
Vice-Chairperson Bobby Gutierrez  
Parliamentarian Nancy Hardeman



Commissioners  
Leo Gonzalez  
Kyle Incardona  
Kevin Krolczyk  
Prentiss Madison  
Robert Swearingen

## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, JULY 16, 2015 – 6:00 P.M.  
BASEMENT TRAINING ROOM, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

### **1. CALL TO ORDER.**

Chairperson Hickle called the meeting to order at 6:00 p.m.

<b>Commissioners</b>	<b>Present</b>	<b>2015 Regular Meetings Held</b>	<b>2015 Regular Meetings Attended</b>	<b>Regular Meetings Held During Last 6 Months</b>	<b>Regular Meetings Attended During Last 6 Months</b>
Leo Gonzalez	Y	10	8	9	7
Bobby Gutierrez	Y	10	10	9	9
Nancy Hardeman	Y	10	9	9	8
Scott Hickle	Y	10	9	9	8
Kyle Incardona	Y	10	8	9	8
Kevin Krolczyk	Y	10	10	9	9
Prentiss Madison	Y	10	8	9	7
Robert Swearingen	N	10	9	9	8

Staff Members Present: Mr. Martin Zimmermann, Planning Manager; Mr. Scott Perkes, Planning Intern; Mr. Matthew Hilgemeier, Staff Planner; Ms. Stephanie Killam, Staff Planner; Mr. Randy Haynes, Senior Planner; and Mr. Cody Cravatt, Development Manager

## **2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.**

Chairperson Hickle led the pledge.

Following the pledge, Chairperson Hickle took a moment to recognize the tragic deaths of 4 U.S. Marines in a terrorist attack on the Chattanooga military facilities.

## **3. HEAR CITIZENS.**

No citizens came forward.

## **4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.**

No affidavits were filed.

## **5. CONSENT AGENDA.**

**a. Approval of minutes from the workshop and regular meetings on June 18, 2015.**

**b. Right-of-way Abandonment RA15-02: S. Parker Avenue and W. 31<sup>st</sup> Street**

*A request to abandon approximately 0.095 acres of public street rights-of-way for West 31<sup>st</sup> Street and South Parker Avenue, adjoining the south and west sides of Block 114 of the Bryan Original Townsite at the northeast corner of South Parker Avenue and West 31<sup>st</sup> Street in Bryan, Brazos County, Texas. (R. Haynes)*

**Commissioner Gutierrez moved to approve the Consent Agenda. Commissioner Madison seconded the motion and the motion passed unanimously.**

## **6. REQUESTS FOR APPROVAL OF REPLATS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval).**

**a. Replat RP15-11: Block 114 of Bryan Original Townsite**

*Proposed Replat of parts of Lots 1, 2 and 3 in Block 114 of the Bryan Original Townsite, being a total of 0.23 acres of land located at the northeast corner of West 31<sup>st</sup> Street and Parker Avenue, and currently addressed as 204 – 206 West 31st Street in Bryan, Brazos County, Texas. (R. Haynes)*

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to approve Replat RP15-11, as requested, subject to the conditions recommended by staff and set forth in the staff report, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Madison seconded the motion.

Commissioners discussed their belief that this will be good for downtown Bryan.

**The motion passed unanimously.**

**b. Replat RP15-16: Block 10 of Lone Oak Acres Subdivision**

*Proposed Replat of Lot 8 in Block 10, of the Lone Oak Acres Subdivision, being 0.473 acres of land located on the west corner Clarks Lane and Owen Street in Bryan, Brazos County, Texas. (M. Hilgemeier)*

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gonzalez moved to approve Replat RP15-16, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Incardona seconded the motion.

**The motion passed unanimously.**

**7. REQUESTS RELATED TO 0.454 ACRES OF LAND AT THE EAST CORNER OF MERVIN'S RUN AND PALASOTA DRIVE – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeal of variance denial to City Council).**

**a. Planning Variance PV15-04: Bryan/College Station Habitat for Humanity**

*A request for variance from the minimum 100-foot lot depth generally required of lots in Residential District - 5000 (RD-5) zoning districts, to allow the proposed division of an existing lot into three new lots with proposed lot depths of approximately 80 feet on 0.454 acres of land at the east corner of Mervin's Run and Palasota Drive in Bryan, Brazos County, Texas. (R. Haynes)*

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

Mr. Christian Galindo, 3107 Rolling Glen Drive, Bryan, Texas, engineer for the project, made himself available for questions and thanked the staff for working with both himself and Habitat for Humanity on this project.

The public hearing was closed.

**Commissioner Incardona moved to approve Planning Variance PV15-04, as requested, and to adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. Commissioner Gonzalez seconded the motion.**

Commissioners discussed

- their happiness in seeing in-fill development projects; and
- thanked staff and Habitat for Humanity for their work in making great communities.

**The motion passed unanimously.**

**b. Replat RP15-14: Common Area in W. J. Coulter's Subdivision of the Morille Tract**

*Proposed Replat of a 0.454-acre common area in W.J. Coulter's Subdivision of the Morille Tract, being 0.454 acres of land at the east corner of Mervin's Run and Palasota Drive in Bryan, Brazos County, Texas. (R. Haynes)*

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Hickie moved to approve Replat RP15-14, as requested, subject to the conditions recommended by staff and set forth in the staff report, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Gonzalez seconded the motion.**

**The motion passed unanimously.**

*Commissioner Madison left the meeting at 6:20 p.m., a quorum of the Commission still being present.*

**8. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**a. Rezoning RZ15-13: Dennis Thane**

*A request to change the zoning classification from Agricultural-Open District (A-O) to Retail District (C-2) on 10.58 acres of land currently addressed as 10099 State Highway 30 and*

*adjoining the northeast side of State Highway 30, approximately two/tenths of a mile southeast from its intersection with Elmo Weedon Road in Bryan, Brazos County, Texas.* (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Haynes responded:

- the property directly to the north of the subject property was recently changed from Agricultural-Open (A-O) zoning to Retail District (C-2) zoning; and
- a notification letter was sent out to property owners within 200 feet of the subject property and no public response has been received.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Gonzalez moved to recommend approval of Rezoning RZ15-13 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hardeman seconded the motion.**

Commissioners discussed their pleasure in seeing growth in the area of the subject property.

**The motion passed unanimously.**

**b. Rezoning RZ15-14: Veronica Morgan**

*a request to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street, being Lots 2R, 3R, 4R, 5R and 6R in Block 1 of the Hyde Park Addition in Bryan, Brazos County, Texas.* (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Hilgemeier responded:

- 10% of the developed area is proposed to be landscaped instead of the standard requirement of 15% due to limited space on the lot.
- there will be sidewalks constructed along the subject property's adjacent streets.
- currently, there is no formal agreement to assure that the proposed minimum landscaping of 10% of the developed area will be met.
- the proposed development will straddle the city limits with the City of College Station.

The public hearing was opened.

Ms. Kerry Pillow, 3204 Earl Rudder Fwy. S., College Station, Texas, applicant, spoke in favor of the rezoning request and made herself available for questions.

In response to questions, Ms. Pillow responded:

- the development project will be beautifully and heavily landscaped within the proposed 10% of the developed area.
- within the City of College Station's Northgate High Density Zoning District, a new ordinance allows up to six unrelated individuals to reside within a single dwelling unit so long as a bedroom is provided for each unrelated individual.
- the owner of the development will provide a minimum parking ratio of .92 for the development, which equates to 45 parking spaces above what is required by the City of Bryan and the City of College Station.
- a parking agreement would need to be signed before certificates of occupancy would be issued to the development, thus ensuring sufficient parking for the residents of the development.

Ms. Lauren Crawford clarified the meaning of the City of Bryan's ordinance regarding the number of unrelated individuals that are permitted to reside within multi-family dwelling units. Ms. Crawford explained that multi-family developments are not constrained by the occupant density standards that are found within single-family zoning districts such as RD-5, RD-7, or R-NC districts due to the use of the word "household" within the language regulating occupant density of multi-family dwellings. Therefore, multi-family developments with 5 or 6 bedrooms and more than 4 unrelated individuals are permitted within multi-family developments in the City of Bryan.

In response to questions, Mr. Hilgemeier responded that taxes will not be shared with the City of College Station on this development.

Mr. Curtis Burnet, applicant, made himself available for questions.

In response to questions, Mr. Burnet responded:

- although the owner and developer had originally desired to build a five story complex in Bryan and a five story complex in College Station, lot dimensions, financial models, building materials, and a constrained time frame have forced the project to build a three story complex in Bryan and a seven story complex in College Station.
- although internal structures will be different between the complexes in Bryan and College Station, the external design will be identical.
- should the Bryan City Council deny this rezoning request, the owner and developer for this project most likely wouldn't redesign and resubmit plans for a 10 story steel framed structure in College Station due to the project's limited time frame.
- landscaping and streetscaping will be seamless between College Station and Bryan.

The public hearing was closed.

In response to questions, Mr. Martin Zimmermann briefly explained his perspective on the importance of good urban design and high density development in the location of the subject property.

**Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-14 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Krolczyk seconded the motion.**

Commissioners discussed

- the area in which the subject property will be located is in dire need for redevelopment.
- their excitement to see this type of development in Bryan.
- Their concern about the uneven development in College Station as compared to Bryan; and
- trust that staff will hold the developers to their promised landscaping and streetscaping promises.

**The motion passed with a vote of 5 in favor and 1 in opposition, with Commissioner Incardona casting the vote in opposition.**

**9. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE IV (BUILDING SETBACKS AND LOT STANDARDS) OF THE LAND AND SITE DEVELOPMENT ORDINANCE (BRYAN CODE OF ORDINANCES CHAPTER 62) – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).**

**a. Planning Variance PV15-05: Jay Burch/Tim Ware**

*A request for approval of a 4-foot variance from the minimum 15-foot side street building setback generally required on residential home sites adjacent to a collector street, to allow the proposed construction of a new single-family home proposed to extend within 11 feet of the northwest side property line of property at 1201 Bennett Street, being Lot 1 in Block 4 of the Gordon Subdivision, located at the south corner of South Coulter Drive and Bennett Street in Bryan, Brazos County, Texas in Bryan, Brazos County, Texas. (M. Hilgemeier)*

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

Ms. Pam Vance Edgerley, 1209 Bennett Street, Bryan, Texas, spoke as a neighboring property owner in opposition of the variance request. Ms. Edgerley cited concerns about neighborhood integrity with smaller lots in the neighborhood, and on-street parking due to reduced setbacks.

Mr. Tim Ware, 2417 East Briargate Drive, Bryan, Texas, developer, spoke in favor of the variance request citing his intent to in-fill develop single-family homes that will be intended for families instead of students.

The public hearing was closed.

In response to questions, Mr. Hilgemeier responded:

- no other concerned neighbors have voiced any complaints.
- the subject property meets lot size standards and the owner has the right to build homes on the lots.
- this variance will allow the proposed home to face Bennett Street instead of Coulter Drive, thereby creating safer transportation flow.

**Commissioner Gonzalez moved to approve Planning Variance PV15-05, as requested, and to adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. Commissioner Gutierrez seconded the motion.**

Commissioners discussed

- the property owner has the right to build homes on the lots.
- their appreciation to see infill development; and
- the undesirability of having a driveway taking access off of Coulter Drive.

**The motion passed unanimously.**

*Commissioner Gonzalez left the meeting at 7:20 p.m., a quorum of the Commission still being present.*

**10. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE VI (ACCESS AND OFF-STREET PARKING) OF THE LAND AND SITE DEVELOPMENT ORDINANCE (BRYAN CODE OF ORDINANCES CHAPTER 62) – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).**

**a. Planning Variance PV15-06: Jason Nutt**

*A request for approval of a variance to the reduce the minimum number of parking spaces required for a proposed new 3-bedroom single-family home from 3 spaces to 2 spaces, for the property at 411 South Hutchins Street, being Lot 4R in Block 62 of the Mitchell Subdivision, located on the southeast side of the South Hutchins Street, north from its intersection with East 29<sup>th</sup> Street in Bryan, Brazos County, Texas. (S. Killam)*

Ms. Killam presented the staff report (on file in the Development Service Department). Staff recommends denial of the request.

In response to questions, Ms. Killam responded that the applicant is requesting this variance in an effort to increase the green space available in the front yard of the property.

The public hearing was opened.

Mr. Jason Nutt, 1609 Birch Street, Bryan, Texas, applicant, spoke in favor of the variance request citing his desire to preserve green space in the yard of the subject property as well as providing aesthetic continuity between the adjacent homes.

The public hearing was closed.

**Commissioner Gutierrez moved to deny Planning Variance PV15-06, finding that strict compliance will not result in hardship upon the applicant greater than the benefits to be derived by the general public through compliance with the requirements of Chapter 62; and in so moving adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. Commissioner Hardeman seconded the motion.**

Commissioners discussed their concern about creating fewer off-street parking spaces, thereby creating more on-street parking on the narrow street.

**The motion passed unanimously.**



**11. PROPOSED AMENDMENTS TO THE TEXT OF BRYAN’S CODE OF ORDINANCES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**a. Bryan Code of Ordinances Chapters 38 and 130**

*A recommendation to the Bryan City Council regarding amendments to the text of Bryan Code of Ordinances Chapter 38, Environment, and Chapter 130, Zoning, clarifying the definition of “residential outdoor storage”, permitting residential outdoor storage only in certain areas under certain conditions, and removing provisions in conflict therewith. (M. Zimmermann/M. Jurica)*

Mr. Zimmermann presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Zimmermann responded that the residential outdoor storage regulations will be removed from Chapter 130, Zoning. The language will then be clarified and placed in Chapter 38, Environment, to assist code enforcement staff to be more effective in their efforts.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Gutierrez moved to recommend approval of the proposal to amend the text of Bryan Code of Ordinances Chapters 38 and 130, as presented, clarifying the definition of “residential outdoor storage”, permitting residential outdoor storage only in certain areas under certain conditions, and removing provisions in conflict therewith. Commissioner Incardona seconded the motion.**

**The motion passed unanimously.**

**12. ADJOURN.**

Without objection, Chairperson Hickle adjourned the meeting at 7:28 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 6<sup>th</sup> day of **August, 2015**.

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A. S. Hickle, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Martin Zimmermann, AICP  
Planning Manager and Secretary to the  
Planning and Zoning Commission